

UNITED STATES OF AMERICA

Plaintiff

NO. CR-05-2107-RHW

vs.

ASAD NAZMI SAED,

Defendant.

RECEIVED

MAY 18 2006

U.S. PROBATION  
OFFICE YAKIMAFILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUN 08 2006

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON**AGREEMENT FOR PRE-TRIAL DIVERSION**

It appearing that you are reported to have committed an offense against the United States on or about May 12, 2003, July 15, 2003, and August 29, 2003, in violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319(b)(1) in that you did infringe upon the copyright by distributing counterfeit copies of musical compact disks, and on August 10, 2004, in violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319(b)(1) in that you did infringe upon the copyright by possessing with intent to distribute counterfeit copies of musical compact disks, and upon your admitting you committed this crime and your accepting responsibility for this act, and it further appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore,

On the authority of the Attorney General of the United States, by James A. McDevitt, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of twelve months from the date of the filing of this agreement, provided you abide by the following conditions and the requirements of the program set out below:

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pre-trial diversion program or change the period of supervision which shall in no case exceed twenty-four (24) months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions of your program which you have violated.

If, upon completion of your period of supervision, a pre-trial diversion report is received to the effect that you have complied with all the rules, regulations and conditions above mentioned, no prosecution for this offense will be instituted in this District, and any indictment or information will be discharged.

**CONDITIONS OF PRE-TRIAL DIVERSION**

1. You shall not violate any law (federal, state and local). You shall immediately contact your pre-trial diversion supervisor if arrested and/or questioned by any law enforcement officer.

2. You shall attend school or work regularly at a lawful occupation or otherwise comply with the terms of the special program described below. In the absence of a special program, when out of work or unable to attend school, you shall notify your program supervisor at once. You shall consult him prior to job or school changes.

3. You shall continue to live in this judicial district. If you intend to move out of the district, you shall inform your supervisor so that the appropriate transfer of program responsibility can be made.

4. You shall report to your program supervisor as directed and keep him informed of your whereabouts.

5. You shall strive to achieve the desired goals of the program.

### **SPECIAL PROGRAM**

6. You shall pay a monetary penalty of Seven Thousand Five Hundred Dollars to the United States Attorney's Office upon execution of this agreement.

I, ASAD NAZMI SAED, assert and certify that I am aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information or in bringing a defendant to trial. I hereby request that the United States Attorney for the Eastern District of Washington defer any prosecution of me for violations of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319(b)(1) for a period of twelve months, and to induce him to defer such prosecution I agree and consent that any delay from the date of this Agreement to the date of the initiation of the prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of twelve months, which is the period of this Agreement.

I, ASAD NAZMI SAED, further assert and certify that I have been advised that in order to prove me guilty of violation of the copyright of musical compact disks in violation of Title 17, United States Code Section 506(a), and Title 18, United States Code, Section 2319(b)(1), the government would need to prove to a jury that (1.) A copyright exists; (2.) It was infringed by me by reproduction or distribution of the copyrighted work; (3.) I acted willfully; and (4.) I infringed at least 10 copies of one or more copyrighted works with a total retail value of more than \$1,000 within a 180-day period.

I admit that on between April 14, 2003 and May 12, 2003, on July 15, 2003 and on August 29, 2003, I had for sale and sold musical compact disks which were protected by the copyright law and which I knew had not been manufactured on behalf of and appropriate royalties paid to the copyright holder. I further admit that on August 10, 2004, I had in my possession musical compact disks for the purpose of selling them, which had not been manufactured on behalf of and appropriate royalties had not been paid to the copyright holder.

I make this admission after consulting with counsel and waive the inadmissibility of this statement made in the course of plea discussions with the United States, pursuant to Fed. R. Crim. P. 11(f). This waiver shall apply if the I fail to successfully complete this Pretrial Diversion Program. I acknowledge that any statements made by me to law enforcement agents in the course of plea discussions in this case will be admissible against the me in the United States's case-in-chief if the I fail to successfully complete this Pretrial Diversion Program.

I hereby state that the above has been read by me. I understand the conditions of my pre-trial diversion, agree that the factual description of my conduct is true and correct, that I have been fully advised regarding the waiver my of speedy trial rights and the admissibility of my admission made in this agreement should I fail to successfully complete the program. I agree to comply with provisions of this Pretrial Diversion Agreement.

ASAD SAED  
ASAD NAZMI SAED

5-18-06  
DATE

[Signature]  
GREGORY SCOTT  
Attorney for Defendant

18 MAY 2006  
DATE

[Signature]  
ROBERT A. ELLIS  
Assistant United States Attorney

6/7/06  
DATE

[Signature]  
United States Probation Officer

6/6/06  
DATE

APPROVED without passing judgement on the merits or wisdom of this diversion.

[Signature]  
United States District Judge  
for RHW

June 7 2006  
DATE